

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

Michelle T.,

Plaintiff,

v.

Civil Action No. 2:23-cv-176

Kilolo Kijakazi, Acting
Commissioner of Social
Security,

Defendant.

ORDER

Pending before the court is the Proposed Findings and Recommendation ("PF&R") of United States Magistrate Judge Omar J. Aboulhosn, entered on August 17, 2023. ECF No. 11.

The Magistrate Judge recommends denying the plaintiff's request for remand, ECF No. 8; granting the defendant's request to affirm the decision of the Commissioner, ECF No. 9; affirming the final decision of the Commissioner; and dismissing this matter.

In reviewing a PF&R, the court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Upon the filing of an objection to a PF&R, the court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is


made." Id. Failure to object to a PF&R constitutes waiver of de novo review, in which case the court reviews the PF&R for clear error. See Fed. R. Civ. P. 73 Advisory Committee notes.

There being no objections to the PF&R, it is ORDERED that the PF&R be, and hereby is, adopted by the court and incorporated herein. It is, therefore, ORDERED as follows:

1. The plaintiff's request for remand be, and hereby is, DENIED.
2. The defendant's request to affirm the decision of the Commissioner be, and hereby is, GRANTED.
3. The final decision of the Commissioner be, and hereby is, AFFIRMED.
4. This action be, and hereby is, DISMISSED and stricken from the court's docket.

The Clerk is directed to transmit copies of this order to any unrepresented parties, all counsel of record, and the United States Magistrate Judge.

ENTER: September 7, 2023



John T. Copenhaver, Jr.
Senior United States District Judge